

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ANDREAS WEILER
Junior Party
(Patent No. 6,264,694)¹

v.

KWAN-HO CHAN
Senior Party
(Application 10/202,985)²

Patent Interference No. 105,796
(Technology Center 3700)

Before: JAMESON LEE, SALLY G. LANE, and MICHAEL P. TIERNEY,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

Judgment – Order to Show Cause – Bd. R. 202(d)

1

1 Based on Application 09/248,812, filed February 11, 1999. The real party in interest is Linvatec Corporation.

2 Filed on July 24, 2002. Accorded the benefit of Application 09/315,918, filed May 20, 1999, Provisional Application 60/125,745, filed March 23, 1999, and Provisional Application 60/086,329, filed May 21, 1998.

Interference No. 105,796
Weiler v. Chan

1 On May 26, 2011, junior party Weiler was ordered to show cause why
2 judgment should not be entered against the junior party in this interference for not
3 having filed a preliminary statement. On June 9, 2011, junior party Weiler
4 requested entry of adverse judgment. (Paper 25.) The request is herein *granted*.

5 Accordingly, it is time appropriate to enter judgment against junior party
6 Weiler.

7 It is

8 **ORDERED** that judgment on priority as to Count 1 is entered against junior
9 party ANDREAS WEILER;

10 **FURTHER ORDERED** that involved claims 4-11 of junior party's Patent
11 6,264,694 are herein cancelled;

12 **FURTHER ORDERED** that the parties shall note the requirements of
13 35 U.S.C. §135(c) and Bd.R. 205; and

14 **FURTHER ORDERED** that a copy of this judgment shall be entered into
15 the file of Patent 6,264,694, and Application 10/202,985.

Interference No. 105,796
Weiler v. Chan

By Electronic Transmission:

Counsel for Junior Party Weiler:

James R. Muldoon, Esq.
Marjama Muldoon Blasiak & Sullivan LLP
jmuldoon@cny-iplaw.com

Gene Warzecha, Esq.
Linvatec Corporation
gwarzecha@linvatec.com

Counsel for Senior Party Chan:

Mark J. Pandiscio, Esq.
Margaret M. Carley, Esq.
Scott R. Foster, Esq.
Pandiscio & Pandiscio, P.C.
mpandiscio@pandisciolaw.com
mcarley@pandisciolaw.com
sfoster@pandisciolaw.com